

AMENDED IN SENATE JUNE 16, 1997
AMENDED IN ASSEMBLY APRIL 17, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1116

Introduced by Assembly Member Keeley
(Coauthor: Assembly Member Villaraigosa)
(Coauthor: Senator Johannessen)

February 27, 1997

An act to amend Section 1636.5 of, to amend and repeal Section 1636 of, to amend, repeal, and add Section 1628 of, *and* to add Sections 1636.4, 1636.6, and 1700.5 to, ~~and to add and repeal Section 1636.5 to,~~ the Business and Professions Code, relating to dentistry, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1116, as amended, Keeley. Dentistry: foreign dental school graduates.

Existing law provides for the licensure and regulation of the practice of dentistry and requires an applicant for licensure to have graduated from a dental college approved by the Board of Dental Examiners of California. Existing law provides that a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school shall be eligible for the licensure examination if he or she has completed certain requirements.

This bill would, commencing January 1, 2003, revise the requirements for licensure of applicants who are graduates of

foreign dental schools. The bill would require the board to be responsible for the approval of foreign dental schools based on prescribed standards, and would establish procedures regarding this approval process. It would require a school to pay a registration fee, not to exceed \$1,000, at the time of application for approval to pay all reasonable costs and expenses of the board related to the approval survey and process, and a fee not to exceed \$500 for renewal of the approval every 7 years. By providing for a new source of revenue to be deposited in the continuously appropriated State Dentistry Fund this bill would make an appropriation.

Existing law provides that an applicant who fails to pass the licensure examination after 3 attempts shall not be eligible for further reexamination until he or she has successfully completed at least 2 academic years of education at an approved dental school.

~~This bill would provide for the repeal of this provision on January 1, 2000. The bill would instead, commencing January 1, 2000, instead~~ apply this requirement to any applicant who fails the licensure examination after 4 attempts, and would provide for the repeal of this provision on January 1, 2003. It would state that the Legislature urges all dental schools in California to provide in their curriculum a 2-year course of study that may be utilized by graduates of foreign dental schools to attain the prerequisites for licensure in California.

Existing law makes it a misdemeanor for any person, company, or association to assume the degree of “doctor of dental surgery,” “doctor of dental science,” or “doctor of dental medicine” or to append the letters “D.D.S.,” “D.D.Sc.,” or “D.M.D.” to his or her name without having had the right to assume the title conferred on him or her by diploma from a recognized dental college or school authorized to do so.

This bill would notwithstanding this provision and would authorize any person who holds a valid, unrevoked, and unsuspended certificate as a dentist in California to append the letters “D.D.S.” to his or her name, regardless of the degree conferred upon him or her by the dental college from which the licensee graduated.



Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1628 of the Business and
2 Professions Code is amended to read:

3 1628. Any person over 18 years of age is eligible to take
4 an examination before the board upon making
5 application therefor and meeting all of the following
6 requirements:

7 (a) Paying the fee for applicants for examination
8 provided by this chapter.

9 (b) Furnishing satisfactory evidence of having
10 graduated from a reputable dental college, which shall
11 have been approved by the board; provided, also, that
12 applicants furnishing evidence of having graduated after
13 1921 shall also present satisfactory evidence of having
14 completed at such dental school or schools the full
15 number of academic years of undergraduate courses
16 required for graduation.

17 (c) Furnishing the satisfactory evidence of financial
18 responsibility or liability insurance for injuries sustained
19 or claimed to be sustained by a dental patient in the
20 course of the examination as a result of the applicant's
21 actions.

22 (d) This section shall remain in effect only until
23 January 1, 2003, and as of that date is repealed, unless a
24 later enacted statute, that is enacted before January 1,
25 2003, deletes or extends that date.

26 SEC. 2. Section 1628 is added to the Business and
27 Professions Code, to read:

28 1628. Any person over 18 years of age is eligible to take
29 an examination before the board upon making
30 application therefor and meeting all of the following
31 requirements:

32 (a) Paying the fee for applicants for examination
33 provided by this chapter.

34 (b) Furnishing satisfactory evidence of having
35 graduated from a reputable dental college, which shall

1 have been approved by the board; provided, also, that
2 applicants furnishing evidence of having graduated after
3 1921 shall also present satisfactory evidence of having
4 completed at such dental school or schools the full
5 number of academic years of undergraduate courses
6 required for graduation.

7 (c) Furnishing the satisfactory evidence of financial
8 responsibility or liability insurance for injuries sustained
9 or claimed to be sustained by a dental patient in the
10 course of the examination as a result of the applicant's
11 actions.

12 (d) If the applicant has been issued a degree of doctor
13 of dental medicine or doctor of dental surgery by a
14 foreign dental school, he or she shall furnish all of the
15 following documentary evidence to the board:

16 (1) That he or she has completed in a dental school or
17 schools approved by the board pursuant to Section 1636.4,
18 a resident course of professional instruction in dentistry
19 for the full number of academic years of undergraduate
20 courses required for graduation.

21 (2) Subsequent thereto, he or she has been issued by
22 the approved dental school, a dental diploma or a dental
23 degree, as evidence of the completion of the course of
24 dental instruction required for graduation.

25 (e) Any applicant, who has been issued a dental
26 diploma from a foreign dental school, which has not been
27 approved by the board pursuant to Section 1636.4 at the
28 time of his or her graduation from the school, shall not be
29 eligible for examination until the applicant has
30 successfully completed a minimum of two academic years
31 of education at a dental college approved by the board
32 pursuant to Article 1 (commencing with Section 1024) of
33 Chapter 2 of Division 10 of Title 16 of the California Code
34 of Regulations. This subdivision shall not apply to
35 applicants who have successfully completed the
36 requirements of Section 1636 on or before December 31,
37 2002.

38 (f) This section shall become operative on January 1,
39 2003.

SEC. 3. Section 1636 of the Business and Professions Code is amended to read:

1636. (a) Notwithstanding subdivision (b) of Section 1628, a person who has been issued a degree of doctor of dental medicine or doctor of dental surgery by a foreign dental school shall be eligible for examination as provided in this section upon complying with subdivisions (a) and (c) of Section 1628 and furnishing all of the following documentary evidence satisfactory to the board, that:

(1) He or she has completed in a dental school or schools a resident course of professional instruction in dentistry for the full number of academic years of undergraduate courses required for graduation.

(2) Subsequent thereto, he or she has been issued by the dental school, a dental diploma or a dental degree, as evidence of the completion of the course of dental instruction required for graduation.

(b) An applicant who is a graduate of a foreign dental school accredited by a body which has a reciprocal accreditation agreement with any commission or accreditation agency whose findings are accepted by the board shall be exempt from the qualifying examination provided for in paragraph (2) of subdivision (c).

(c) Examination by the board of a foreign-trained dental applicant shall be a progressive examination given in the following sequence:

(1) Examination in writing which shall be comprehensive and sufficiently thorough to test the knowledge, skill, and competence of the applicant to practice dentistry, and both questions and answers shall be written in the English language.

The written examination may be the National Board of Dental Examiners' examination or other examination, but in no event shall the examination given to foreign-trained applicants be a different examination than that given to applicants who have met the requirements of subdivision (b) of Section 1628. A foreign-trained applicant who passes the written examination shall be permanently exempt from retaking the examination.

1 Those applicants who have passed the California
2 written examination are permanently exempt from
3 retaking any written examination, except any
4 examination required for continuing education purposes.

5 (2) Demonstration of the applicant's skill in
6 restorative technique. An applicant who obtains an
7 overall average grade of 75 percent in the restorative
8 technique examination and a grade of 75 percent or more
9 in two of the three subsections shall be deemed to have
10 passed the examination. However, an applicant who
11 obtains a grade of 85 percent in any subsection of the
12 examination is exempt from retaking the subsection for
13 two years following the date of the examination in which
14 a grade of 85 percent was obtained. Every applicant who
15 passes the entire restorative technique examination is
16 permanently exempt from retaking the examination.

17 (d) An applicant who has successfully completed the
18 written examination and the restorative technique
19 examination shall be eligible to take and shall pass the
20 examinations in diagnosis-treatment planning, prosthetic
21 dentistry, diagnosis and treatment of periodontics, and
22 operative dentistry in the identical manner in which the
23 examinations are taken by and administered to other
24 dental applicants. Exemptions in the examinations shall
25 be applied to foreign-trained applicants in the same
26 manner as they are applied to other dental applicants.

27 (e) This section shall remain in effect only until
28 January 1, 2003, and as of that date is repealed, unless a
29 later enacted statute, that is enacted before January 1,
30 2003, deletes or extends that date.

31 SEC. 4. Section 1636.4 is added to the Business and
32 Professions Code, to read:

33 1636.4. (a) The Legislature recognizes the need to
34 ensure that graduates of foreign dental schools who have
35 received an education that is equivalent to that of
36 accredited institutions in the United States and that
37 adequately prepares their students for the practice of
38 dentistry shall be subject to the same licensure
39 requirements as graduates of approved dental schools or
40 colleges. It is the purpose of this section to provide for the

1 evaluation of foreign dental schools and the approval of
2 those foreign dental schools that provide an education
3 that is equivalent to that of similar accredited institutions
4 in the United States and that adequately prepare their
5 students for the practice of dentistry.

6 (b) The board shall be responsible for the approval of
7 foreign dental schools based on standards established
8 pursuant to subdivision (d). The board may contract with
9 outside consultants or a national professional
10 organization to survey and evaluate foreign dental
11 schools. The consultant or organization shall report to the
12 board regarding its findings in the survey and evaluation.

13 (c) The board shall establish a technical advisory
14 group to review and comment upon the survey and
15 evaluation of a foreign dental school contracted for
16 pursuant to subdivision (b), prior to any final action by
17 the board regarding certification of the foreign dental
18 school. The technical advisory group shall be selected by
19 the board and shall consist of four dentists, two of whom
20 shall be selected from a list of five recognized United
21 States dental educators recommended by the foreign
22 school seeking approval. None of the members of the
23 technical advisory group shall be affiliated with the school
24 seeking certification.

25 (d) Any foreign dental school that wishes to be
26 approved pursuant to this section shall make application
27 to the board for this approval, which shall be based upon
28 a finding that the educational program of the foreign
29 dental school is equivalent to that of similar accredited
30 institutions in the United States and adequately prepares
31 its students for the practice of dentistry. Curriculum,
32 faculty qualifications, student attendance, plant and
33 facilities, and other relevant factors shall be reviewed and
34 evaluated. The board, with the cooperation of the
35 technical advisory group, shall identify by rule the
36 standards and review procedures and methodology to be
37 used in the approval process consistent with this
38 subdivision. The board shall not grant approval if
39 deficiencies found are of such magnitude as to prevent

1 the students in the school from receiving an educational
2 base suitable for the practice of dentistry.

3 (e) Periodic surveys and evaluations of all approved
4 schools shall be made to ensure continued compliance
5 with this section. Approval shall include provisional and
6 full approval. The provisional form of approval shall be for
7 a period determined by the board, not to exceed three
8 years, and shall be granted to an institution, in accordance
9 with rules established by the board, to provide reasonable
10 time for the school seeking permanent approval to
11 overcome deficiencies found by the board. Prior to the
12 expiration of a provisional approval and before the full
13 approval is granted, the school shall be required to submit
14 evidence that deficiencies noted at the time of initial
15 application have been remedied. A school granted full
16 approval shall provide evidence of continued compliance
17 with this section. In the event that the board denies
18 approval or reapproval, the board shall give the school a
19 specific listing of the deficiencies that caused the denial
20 and the requirements for remedying the deficiencies,
21 and shall permit the school, upon request, to demonstrate
22 by satisfactory evidence, within 90 days, that it has
23 remedied the deficiencies listed by the board.

24 (f) A school shall pay a registration fee established by
25 rule of the board, not to exceed one thousand dollars
26 (\$1,000), at the time of application for approval and shall
27 pay all reasonable costs and expenses the board incurs for
28 the conduct of the approval survey.

29 (g) The board shall renew approval upon receipt of a
30 renewal application, accompanied by a fee not to exceed
31 five hundred dollars (\$500). Each fully approved
32 institution shall submit a renewal application every seven
33 years. Any approval that is not renewed shall
34 automatically expire.

35 SEC. 5. Section 1636.5 of the Business and Professions
36 Code is amended to read:

37 1636.5. (a) Notwithstanding Section 135, on and after
38 January 1, 1993, an applicant who fails to pass the
39 examination required by paragraph (2) of subdivision (c)
40 of Section 1636 after ~~three~~ *four* attempts shall not be

1 eligible for further reexamination until the applicant has
2 successfully completed a minimum of two academic years
3 of education at a dental school approved by either the
4 Commission on Dental Accreditation or a comparable
5 organization approved by the board. When the applicant
6 applies for reexamination, he or she shall furnish proof
7 satisfactory to the board that he or she has successfully
8 completed the requirements of this subdivision.

9 (b) This section shall remain in effect only until
10 January 1, 2000 2003, and as of that date is repealed, unless
11 a later enacted statute, which is enacted before January
12 1, 2000 2003, deletes or extends that date.

13 ~~SEC. 6. Section 1636.5 is added to the Business and~~
14 ~~Professions Code, to read:~~

15 ~~1636.5. (a) Notwithstanding Section 135, on and after~~
16 ~~January 1, 2000, an applicant who fails to pass the~~
17 ~~examination required by paragraph (2) of subdivision (c)~~
18 ~~of Section 1636 after four attempts shall not be eligible for~~
19 ~~further reexamination until the applicant has successfully~~
20 ~~completed a minimum of two academic years of~~
21 ~~education at a dental school approved by either the~~
22 ~~Commission on Dental Accreditation or a comparable~~
23 ~~organization approved by the board. When the applicant~~
24 ~~applies for reexamination, he or she shall furnish proof~~
25 ~~satisfactory to the board that he or she has successfully~~
26 ~~completed the requirements of this subdivision.~~

27 ~~(b) This section shall become operative on January 1,~~
28 ~~2000, and shall remain in effect only until January 1, 2003,~~
29 ~~and as of that date is repealed, unless a later enacted~~
30 ~~statute, which is enacted before January 1, 2003, deletes~~
31 ~~or extends that date.~~

32 ~~SEC. 7.—~~

33 ~~SEC. 6. Section 1636.6 is added to the Business and~~
34 ~~Professions Code, to read:~~

35 1636.6. The Legislature hereby finds and declares that
36 in order to assure that the people of California receive the
37 highest quality of dental care, dentists graduating from
38 dental schools outside of the United States who apply for
39 licensure in California must possess the same training and
40 skills as applicants from schools that have been approved

1 by the board. The Legislature further finds and declares
2 that the current process for ensuring the adequacy of
3 training of these applicants is deficient, that high
4 numbers of foreign dental graduates are failing the
5 restorative technique examination required in Section
6 1636, and that there are numerous repeat failures. The
7 Legislature further finds and declares that while current
8 law requires that a foreign dental graduate who fails the
9 restorative technique examination is required to take a
10 minimum of two years of additional training from a dental
11 school approved by the board, only three of the five
12 dental schools operating in California offer a two-year
13 course of study for graduates of foreign dental schools.

14 Therefore, the Legislature hereby urges all dental
15 schools in this state to provide in their curriculum a
16 two-year course of study that may be utilized by
17 graduates of foreign dental schools to attain the
18 prerequisites for licensure in California.

19 ~~SEC. 8.—~~

20 *SEC. 7.* Section 1700.5 is added to the Business and
21 Professions Code, to read:

22 1700.5. Notwithstanding Section 1700, any person
23 who holds a valid, unrevoked, and unsuspended
24 certificate as a dentist under this chapter may append the
25 letters “D.D.S.” to his or her name, regardless of the
26 degree conferred upon him or her by the dental college
27 from which the licensee graduated.

